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July 22, 2014

Federal Election Commission
Office of General Counsel
999 E Street NW
Washington, DC 20463

Re: MUR 6811

To whom it may concern:

I have been retained to represent Marjorie 2014, the principal campaign committee of Marjorie Margolies, in MUR 6811¹. Marjorie Margolies was a candidate in the May 2014 primary for the Democratic Party nomination for 13th Congressional District of Pennsylvania. The matter was initiated by one of the candidate's opponents in the primary and alleged that funds raised by the committee for the general election were expended in the primary. For the reasons given below, this matter should be dismissed for failure to allege facts that constitute a violation of the statute or its regulations.

As expressly permitted by 11 C.F.R. 102.9(e) and 110.1(b), Marjorie 2014 raised \$177,188.92 in contributions designated for the general election. The committee agreed to advance a portion of these funds to its principal campaign vendors in order to secure their services, availability and commitment for the general election. The advanced funds would be available to pay for general election media and consulting expenses of the vendors. The funds were advanced on the condition that they would be refunded to the committee if the candidate did not secure the nomination. The vendors accepted the funds subject to this condition and have refunded the advanced payments to the committee. The committee pursuant to the Commission's regulations is currently refunding these contributions to its general election donors. The committee has sufficient funds to refund all its general election contributions consistent with the requirements of the regulations.

¹ This response is being provided to the commission after consultation with a representative of the office of general counsel informed the committee that a response would be considered beyond the time specified. The complaint materials were delayed in being forwarded from the Philadelphia area post office box to the treasurer at her DC offices.

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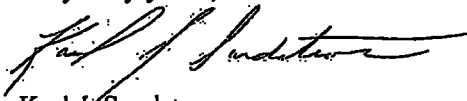
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It has been the longstanding established position of the Commission that a committee may make advance payments for the general election. (See Advisory Opinion 1986-17). The complaint is consequently based on an incorrect understanding of the law and does not provide a legal or factual foundation for believing that a violation has occurred. No violation of the regulations occurs when general election contributions are expended prior to the primary election provided the expenditure is for the general election as is the case here (See 11 C.F.R. 102.9(e)(2)). Refundable deposits and conditional payments for general election services are not uncommon in campaigns. Based on both public and private polling, the committee believed that its candidate would win the nomination and consequently sought to position the campaign for general election success by retaining the services of its respected vendors. This arrangement was also in the business interest of the vendors. The advance payments or deposit, therefore, served the anticipated general election needs and objectives of both the campaign and its vendors.

The facts alleged in the complaint do not form the basis for any further action and this matter should be dismissed pursuant to 11 C.F.R. 111.5.

Very truly yours,



Karl J. Sandstrom

KJS